

APPLICATION FOR SEARCH WARRANT

I, the undersigned, being duly sworn, state that I have reason to believe that the Suspect and specimens are at the location listed below.

SUCH SPECIMENS ARE SOUGHT BECAUSE:

Officers have probable cause to believe that a traffic violation under Iowa Code § 321J.2 has occurred and this evidence is relevant to a criminal investigation into a violation of Iowa Code § 321J.2.

SPECIMEN(S) SOUGHT:


A blood, urine, and/ or breath specimen from the person listed below (hereinafter "Suspect").

PERSON TO BE SEARCHED:

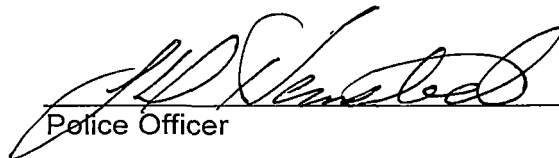
Name:	
Date of Birth:	
SSN:	
Other:	

SUSPECT IS CURRENTLY LOCATED AT:

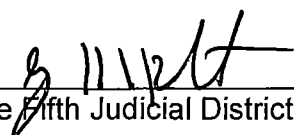
I have read and approved this application and request that search warrant be issued.


Assistant County Attorney

The facts establishing the grounds for issuance of a search warrant are as set forth in the attachments made a part of this application.


Police Officer

Sworn to me this 8th day of November, 20 19.


Judge of the Fifth Judicial District of Iowa

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POLK COUNTY, IA
19 NOV -8 AM 8:06
CLERK DISTRICT COURT

ATTACHMENT A-1 – OBSERVATIONS ON SCENE

Affiant: Officer Jason Hemsted

Occupation: Police Officer

Number of years: 7.5

Assignment: Traffic Unit

Number of years: .5

Your affiant conducted an investigation and received the following information:

I have the following training, education, and experience: I am a certified peace officer and graduate of an Iowa, regional, or Department of Public Safety law enforcement academy. I am certified in procedures pursuant to Iowa Code §321J which included the following training: certification to administer the Datamaster DMT breath specimen collection devices as well as the preliminary breath testing devices; administration of the implied consent procedures; collection of urine and blood specimens and preserving them for forensic testing; controlled drinking environments in a "wet lab" setting to test the progression of alcohol intoxication on a person; in-field training and practice on operating while intoxicated detection; administration and scoring of Standardized Field Sobriety Tests including horizontal gaze nystagmus, walk and turn, and one-leg stand. I use this training in my role as a peace officer. I am also a certified peace officer in traffic enforcement pursuant to Iowa Code § 321 as are my fellow officers. Based on my training, education, experience, and discussions with other members of law enforcement, I know the collection of a specimen for forensic testing will aid my investigation and determine what role the use of alcoholic beverages, controlled substances, or drugs played in this traffic offense. Based on my training, education, experience, and discussions with other members of law enforcement I know that persons who have prior convictions for operating while intoxicated or who have been investigated for operating while intoxicated on previous occasions are more likely to refuse chemical testing.

Based on the following information, I have probable cause to believe Suspect has violated Iowa Code § 321J.2.

Date: 08 November 2019

Time: 0213

Location, in Polk County, Iowa: Easton Blvd / I235 on ramp

Road Conditions: Fair, Dry

Information given to me by the following peace officer(s):

- Sgt Michael Dixon
- Officer Andrew Kilgore
- _____

Suspect was operating the following vehicle:

Year: 2018

Make: Ford

Model: Focus

The following observations and conclusions for a traffic violation were made by these officers at the scene:

The witness statement and evidence at the scene indicate that the two involved vehicles were traveling E/B on I235 at a very high rate of speed. The driver's appeared to have been drag racing when at the I235 on ramp from Easton Blvd the victim lost control. The driver's are friends and had spent the evening together at Shaggy's bar downtown prior to this crash. The suspect had the odor of an alcoholic beverage coming from his breath, his eyes are bloodshot & watery. Showed signs of impairment on the HGN test (4 clues).

Officers know Suspect was operating the motor vehicle because:

Witness identified suspect as driver. Suspect admitted to driving the car at the scene; the car is registered to the suspect.

The following citizens provided information assisting the officers:

- Fopma, Jerry DOB 08-25-75
- _____
- _____

The following emergency medical technicians (EMTs) provided information assisting the officers:

- _____
- _____
- _____

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19 NOV -8 AM 8:04
CLERK DISTRICT COURT

ATTACHMENT A-2 – OBSERVATIONS OF IMPAIRMENT

The Suspect was transported to:

The following officer(s) are certified in Iowa Code § 321J.2 in the same manner as Affiant. Officer(s) made the following observations of Suspect establishing probable cause that Suspect is under the influence of an alcoholic beverage, and / or controlled substance and / or drug:

Officer(s)

- Sgt Michael Dixon
- Officer Andrew Kilgore
- _____

Time observations began: 0230 hours

- ☒ Bloodshot eyes
- ☒ Watery eyes
- ☐ Slurred speech
- ☐ Mumbling speech
- ☒ Smell of alcoholic beverage coming from Suspect's person
- ☐ Unsteady gait / unsteady balance
- ☒ Open containers observed at scene
- ☐ Emotions visibly excited
- ☐ Judgment impaired
- ☐ Reason or mental ability affected
- ☐ Soiled clothing
- ☐ Other observations of impairment: During my contact with this suspect following an accident resulting in _____
- ☐ Suspect is currently unconscious or otherwise unable to consent.

Standardized Field Sobriety Tests (Please indicate score, refusal, or inability)

Test	Score / Refusal / Inability
<input checked="" type="checkbox"/> Horizontal gaze nystagmus	<u>4</u>
<input checked="" type="checkbox"/> Walk and Turn	<u>1</u>
<input checked="" type="checkbox"/> One leg stand	<u>0</u>
<input checked="" type="checkbox"/> Preliminary breath test results	<u>Refusal</u>
<input checked="" type="checkbox"/> Admission to drinking	<u>Admitted to consuming 2 beers.</u>
Other: _____	_____

Controlled Substances

☐ Controlled substances found _____

☐ Drug paraphernalia found _____

☐ Reasonable grounds to believe the Suspect is under the influence of a controlled substance or drug based on the following observations:

During my contact with this suspect following an accident resulting in death I immediately smelled the odor of an alcoholic beverage coming from the defendant's breath. The suspect had blood shot watery eyes. The suspect admitted to drinking two Budlight beers this evening at Shaggy's bar downtown.

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ATTACHMENT A-3 – PRIOR OFFENSE(S)

As part of our investigation, we review driving records as provided by the Iowa Department of Transportation. We routinely rely on this database to determine if the Suspect should have enhanced criminal charges. This database indicates the date(s) drivers have previously been convicted of operating while intoxicated under Iowa Code § 321J.2 or similar statute of another state. A review of the Iowa Department of Transportation database shows the following conviction(s):

	Date	County (if known)*	Iowa Courts Online Number (if known)*

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CLERK DISTRICT COURT

*This information was independently verified on Iowa Courts Online searchable database website.

ATTACHMENT A-4

I know the person is the same as the **PERSON TO BE SEARCHED** section of this application because the description came from another police officer, specifically:

- Sgt Michael Dixon
- Officer Andrew Kilgore
- _____

_____ I have personally viewed this.

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ATTACHMENT B

Officer Jason Hemsted _____ a peace officer, received information from the following persons who are reliable for the following reasons:

The following Informants are reliable because they are peace officers:

- Sgt Michael Dixon
- Sgt Michael Dixon
- Officer Andrew Kilgore
- _____
- Officer Andrew Kilgore
- _____

The following informants are reliable because they are concerned citizens with no reason to fabricate :

- Fopma, Jerry DOB 08-25-75
- _____
- _____

The following informants are reliable because they are emergency medical technicians (EMTs) with no reason to fabricate:

- _____
- _____
- _____

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In issuing this search warrant, I relied on the following:


 X 2. Attachment B.

The following Informants are reliable because they are peace officers:

- Sgt Michael Dixon
- Sgt Michael Dixon
- Officer Andrew Kilgore
-
- Officer Andrew Kilgore
-

- Fopma, Jerry DOB 08-25-75
- _____
- _____

Date this 8th day of November, 20 19



Judge of the Fifth Judicial District of Iowa